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 6 IN THE UNITED STATES DISTRICT COURT
 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 8 SAN FRANCISCO DIVISION

9 BLUESTONE INNOVATIONS TEXAS,
 10 L.L.C.,

11 Plaintiff,

12 v.

13 FORMOSA EPITAXY INC; et al.,

14 Defendants.

15 Case No. 3:12-cv-00059-JW

16 Honorable James Ware

17 **STIPULATION AND [PROPOSED]
 18 ORDER RE DISMISSAL OF
 19 DEFENDANT FORMOSA EPITAXY,
 20 INC.**

1 Plaintiff Bluestone Innovations Texas, L.L.C. and Defendant Formosa Epitaxy, Inc. by
2 and through their undersigned counsel, and subject to the approval of the Court, hereby stipulate
3 that all claims between them in this action be dismissed without prejudice under Fed. R. Civ. P.
4 41(a) and pursuant to the terms of a confidential agreement, with each party to bear its own
5 costs, expenses and attorneys' fees.

6
7 IT IS SO STIPULATED.

8 August 22, 2012

9 NIRO, HALLER & NIRO
DAVIS WRIGHT TREMAINE LLP

10
11 By: /s/ David J. Mahalek
DAVID J. MAHALEK
12 Attorney for Plaintiff
13 Bluestone Innovations Texas, L.L.C.

14 August 22, 2012

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16 By: /s/ Krista M. Carter
KRISTA M. CARTER
17 Attorney for Formosa Epitaxy, Inc.

[PROPOSED] ORDER

Based on the foregoing Stipulation Re Dismissal of all claims asserted between Plaintiff Bluestone Innovations Texas, L.L.C. and Defendant Formosa Epitaxy, Inc. in this case, and good cause appearing,

IT IS HEREBY ORDERED that all claims asserted in this suit between Plaintiff Bluestone Innovations Texas, L.L.C. and Defendant Formosa Epitaxy, Inc. are hereby dismissed without prejudice under Fed. R. Civ. P. 41(a) and pursuant to the terms of a confidential agreement. It is further ORDERED that all costs, expenses and attorneys' fees are to be borne by the party that incurred them.

IT IS SO ORDERED.

Dated: August 22, 2012.

James Ware
The Honorable James Ware
United States District Chief Judge